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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,580	09/23/2003	Aidan T. Hughes	60001.0026USD1/MS111814.3	2394
27488	7590	01/25/2008		
MERCHANT & GOULD (MICROSOFT)			EXAMINER	
P.O. BOX 2903			BADII, BEHRANG	
MINNEAPOLIS, MN 55402-0903				
			ART UNIT	PAPER NUMBER
			3694	
			MAIL DATE	DELIVERY MODE
			01/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/668,580

**Applicant(s)**

HUGHES ET AL.

**Examiner**

BEHRANG BADII

**Art Unit**

3694

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-18 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 8-18 and 27-35 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 34-35, drawn to a computer-readable storage medium storing instructions executable by a computer system, comprising: a computer software program configured to provide one or more functions on a computer system; an activation program, including: identifying the product ID for the computer software program; selecting a plurality of hardware components of the computer system; for each of the selected hardware components, deriving a value including one or more digits to represent the selected hardware components; combining the product ID with the values derived for each of the selected hardware components to generate a computer system identifier (ID); and storing the computer system ID; and an anti-piracy program, including: generating a test identifier (ID) for the computer system including a product ID of the computer software program and a plurality of values derived from selected hardware components associated with the computing system; comparing the test ID with the stored the computer system ID; and allowing the computer software program to continue to execute upon determining the computer system ID and the test ID match to a predetermined extent that indicates that the computer software program was activated for the computer system, classified in class 726, subclass 26.

II. Claims 27- 33, drawn to a method a computer-implemented method, comprising: activating a computer software program to execute on a computer system,

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including: identifying a product identifier (ID) associated with a computer software program to be activated for use with a computer system; selecting a plurality of hardware components associated with the computer system; for each of the selected hardware components, determining identifying values associated with each of the selected hardware components; for each of the identifying values determined, deriving a value including one or more digits to represent the identifying value to produce a plurality of values; combining the product ID with the plurality of values to generate a computer system identifier (ID); storing the computer system ID in a license file; and disposing the license file to be accessible by the computer system when the computer software program is executed; and configuring the computer software program, upon being executed, validate that the computer software program has been activated to operate on the computer system, including: accessing the computer system ID from the license file; generating a test identifier (ID) for the computer system including a product ID of the computer software program and a plurality of values derived from the selected hardware components associated with the computing system; comparing the computer system ID and the test ID; and allowing the computer software program to continue to execute upon determining the computer system ID and the test ID match to a predetermined extent that indicates that the computer software program was activated for the computer system, classified in class 705, subclass 59.

III. Claims 8-18, drawn to a single computer system identifier (ID) for identifying a computer system, the single computer system ID being comprised of a concatenation of a plurality of hardware device identifier portions, the computer system

comprising a plurality of components, each component having a unique identifier, wherein the single computer-system ID is stored on the computer system and is generated during the installation of a software product on the computer system, wherein the single computer system ID comprises the concatenation of the plurality of hardware device identifier portions, each hardware device identifier portion associated with a single component of the computer system wherein the single computer system ID represents the computer system plurality of components and wherein the single computer system ID comprises a variable number of bits corresponding to the ability to differentiate multiple computer systems based on a particular component having a unique identifier, wherein the particular component is one of the plurality of components, classified in class 705, subclass 50.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such a computer software program configured to provide one or more functions on a computer system; an activation program, including: identifying the product ID for the computer software program; selecting a plurality of hardware components of the computer system; for each of the selected hardware components, deriving a value including one or more digits to represent the selected hardware components; combining the product ID with the values derived for each of the selected hardware components to generate a computer system identifier (ID); and storing the computer system ID; and an

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anti-piracy program, including: generating a test identifier (ID) for the computer system including a product ID of the computer software program and a plurality of values derived from selected hardware components associated with the computing system. Invention II has separate utility such as identifying a product identifier (ID) associated with a computer software program to be activated for use with a computer system; selecting a plurality of hardware components associated with the computer system; for each of the selected hardware components, determining identifying values associated with each of the selected hardware components; for each of the identifying values determined, deriving a value including one or more digits to represent the identifying value to produce a plurality of values; combining the product ID with the plurality of values to generate a computer system identifier (ID); storing the computer system ID in a license file; and disposing the license file to be accessible by the computer system when the computer software program is executed; and configuring the computer software program, upon being executed, validate that the computer software program has been activated to operate on the computer system, including: accessing the computer system ID from the license file. Invention III has separate utility such as a single computer system identifier (ID) for identifying a computer system, the single computer system ID being comprised of a concatenation of a plurality of hardware device identifier portions, the computer system comprising a plurality of components, each component having a unique identifier, wherein the single computer-system ID is stored on the computer system and is generated during the installation of a software product on the computer system, wherein the single computer system ID comprises the

concatenation of the plurality of hardware device identifier portions, each hardware device identifier portion associated with a single component of the computer system wherein the single computer system ID represents the computer system plurality of components and wherein the single computer system ID comprises a variable number of bits corresponding to the ability to differentiate multiple computer systems based on a particular component having a unique identifier, wherein the particular component is one of the plurality of components. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 571-272-6879. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to (571)273-8300**

Hand delivered responses should be brought to

United States Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 3600 Customer Service Office whose telephone number is **(571) 272-3600**.

Behrang Badii  
Patent Examiner  
Art Unit 3621

BB

/James P Trammell/  
Supervisory Patent Examiner, Art Unit 3694